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MAR 13 2006  
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3 EOS rec'd

Allen Matkins

www.allenmatkins.com

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Attorneys at Law

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Telephone: 415.837.1515 | Facsimile: 415.837.1516

David H. Blackwell

E-mail: dblackwell@allenmatkins.com

Direct Dial: 415.273.7463 File Number: J4534-002/SF671299.01

March 10, 2006

Honorable Chair Robert Weygandt  
and Supervisors  
Board of Supervisors  
County of Placer  
175 Fulweiler Avenue  
Auburn, CA 95603

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MAR 14 2006

CLERK OF THE  
BOARD OF SUPERVISORS

Re: *Appeal of Planning Commission Approvals of Villas at Harborside*

Dear Chair Weygandt and Supervisors:

We represent Jane Echlin ("Appellant"), who appealed certain approvals granted by the County Planning Commission on September 22, 2005 for the proposed Villas at Harborside timeshare project ("Project"). The appeal is tentatively scheduled for the Board's April 3 Agenda.

Since the filing of the appeal, Appellant's representatives have been in discussions with Project representatives. As a result of those discussions, counsel for the Project proponent addressed Appellant's concerns regarding the Project's parking impacts, as set forth in the attached March 6 letter from Randall M. Faccinto to David H. Blackwell. In that letter, Mr. Faccinto represents that the Project and the adjacent projects owned by the Project owner: will not create any offsite parking impacts; has met all applicable parking requirements on site; and the Project owner has not entered into any parking agreements with nearby properties to reduce overflow parking. Appellant requests that the administrative record for this Project include this letter and attached letter from Mr. Faccinto.

Based upon and as a direct result of these express representations from the Project proponents, Appellant would like to withdraw her appeal. Pursuant to Placer County Code section 17.60.110.D.5, Appellant hereby requests that this Board consent to her withdrawal of her appeal.

Respectfully submitted,

*DH Blackwell*

David H. Blackwell

**Allen Matkins Leck Gamble & Mallory LLP**  
Attorneys at Law

**Placer County Board of Supervisors**  
**March 10, 2006**  
**Page 2**

cc: **Jane Echlin**  
**Christiana Darlington, Esq.**  
**Randall M. Faccinto, Esq.**

DATE 3/15/06

- ☒ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☒ Administrative Assistant  
☒ Planning FAX

## **Ann Holman - Board of Supervisors Hearing/Villas at Harborside**

**From:** <LCress7199@aol.com>  
**To:** <danbestbranch@thegrid.net>, <4homewood@sbcglobal.net>, <Kcarling@charter.net>, <bearsnsquirrels@sbcglobal.net>, <raynlois@infostations.com>, <carsdaddy@sbcglobal.net>, <yasumirh@sbcglobal.net>, <colleen.connell@sbcglobal.net>, <ewkdds@sbcglobal.net>, <conniepeel@comcast.net>, <rockwood@inreach.com>, <thmac@macco.org>, <billymac3@macco.org>, <Grasslandladyvm@aol.com>, <s.casagrande@comcast.net>, <CHJCrocker@aol.com>, <SheriZip@aol.com>, <bmaclaughlin@macco.org>, <"dennie1@"@moment.net>, <julielandis@sbcglobal.net>, <Cgray123@aol.com>, <mzburrowes@sbcglobal.net>  
**Date:** 3/12/2006 9:23:05 AM  
**Subject:** Board of Supervisors Hearing/Villas at Harborside

**RECEIVED****MAR 13 2006**CLERK OF THE  
BOARD OF SUPERVISORS

Below is a letter from Dan Higgins to all of you on our email list. Dan spent this past Friday in Auburn meeting with the Clerk of BOS, Planning Department and the Assessor's Office regarding the Villas at Harborside project. It is extremely important for those of us who oppose the project to step up and take action for the upcoming BOS hearing. If you need to call me I'm at (831) 625-5759. I will be mailing out a letter this week to everyone on my mailing list. If you know of anyone who opposes the project and did not receive the letters I mailed out in October and November, please email me their name and mailing addresses. I only have about 115 names on my mailing list and I know there possibly 180-200 homeowners. Thanks...Lorie Cress

### **Message from Dan Higgins:**

Hi Folks,

The meeting that we talked about regarding The Villas at Harborside, it looks like the Placer County Board of Supervisors (BOS) will set the date and time for those of us who are interested in voicing our concern and discussing the issues, or at the very least, making our presence known. I spent some time on Friday with the Clerk of the BOS in Auburn and she said that the BOS will take the issue up at its two day meeting, April 3rd and 4th in Tahoe. Planning items, such as this project will be held on the first day, that is April 3.

I know many of you raised issues ranging from lack of adequate parking (resulting in drivers backing their cars out of the project onto Highway 89 which is not only dangerous but could also result in traffic blockage and reduced response time by emergency vehicle) to the restriction of view corridors resulting from the density of the project. Such public concerns, could have, and should have been addressed at the public hearing held by the Planning Commission on September 22. However, the manner in which the public hearing on the subject property was scheduled to be heard by the Planning Commission, first in Auburn, then cancelled and rescheduled for a later date in Tahoe, and then cancelled again, and rescheduled for the date of the cancelled Planning Commission meeting in Auburn, may be more than just confusion. It gives one a sense that the developer sought to circumvent public scrutiny of the project. Statements made by the developer at the Planning Commission hearing on September 22, would lead one to believe that all of the Homewood Homeowners are in favor of the project as purposed. This, as we know, is not the case. There are a number of Homeowners who have expressed, not only concern over the impact such a project will have on the Homewood neighborhood, but also disfavor with the scope of the project in relation to the surrounding neighborhood.

If I may, I would like to suggest that we all do the following:

First, write a letter to Supervisor Bruce Kranz, District 5, and let him know about your concerns.

Supervisor Bruce Kranz, District 5  
 175 Fulweiler Avenue  
 Auburn, CA 95603

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Phone 530-889-4010

Second, e-mail the Board, at large, and again let them know about your concerns: E-mail: [bos@placer.ca.gov](mailto:bos@placer.ca.gov) or send a general letter to the Board of Supervisors: 175 Fulweiler Avenue, Auburn, CA 95603

Hopefully many of you can attend the BOS hearing at Tahoe on April 3rd . We will not know the actual date of the hearing until sometime after March 17th. Please email or call Ann Holman, the clerk of the BOS after March 17th to find out address and time of meeting: 530 889-4020 email: [aholman@placer.ca.gov](mailto:aholman@placer.ca.gov).

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JAN 04 2006  
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Nov. 28, 2005  
4028 Kingridge Dr.  
San Mateo, CA 94403

DATE 1/4/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning FAX

To: Placer County Board of Supervisors  
Auburn, CA

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JAN 03 2006  
BOARD OF SUPERVISORS  
5 BOS rec'd  
MB  
JM  
JP  
RA  
DW  
\*  
COB

From: Paul & June Hendrickson  
Property owners in Homewood for 41 years

Re: Disregard of Community in Development of Villas at Topol's Harborside,

It has come to our attention that the original intent of Topol to build a few houses on his lakefront property in Homewood has now become a development of many units of time-share condominiums. One unit has been completed and it is obvious that a continuation of similar units will completely block any view of the Lake in this area from the trail and road. In addition this project will further complicate already limited parking space. We also have concerns about the demand for water for the many additional units and the subsequent "landscaping" of the area. Have we no right to object to the ever increasing claim of Mr. Topol to change the environment of Homewood? It seems that whatever demands he makes for approval from the County, etc. are realized without consideration for the Community.

We are members of the Homewood Homeowners Assn. and we attended the last meeting. The president mentioned that he had walked around the property with Topol, but there was never any discussion of the issue at the meeting. We are quite certain that had a vote been taken of approval or disapproval of the project that the association would have voted in the negative.

PLEASE consider the future of Homewood. We are longtime property owners and we treasure its quiet beauty, which we have always felt an obligation to preserve.

Thank you for your consideration of our opinions.

Sincerely,

*Paul & June Hendrickson*

Paul & June Hendrickson

From: "Lyon, Michael" <mlyon@golyon.com>  
To: <bos@placer.ca.gov>  
Date: 3/17/2006 4:31:33 PM

March 17, 2006

Bruce Kranz, Supervisor

District 5

175 Fulweiler Avenue

Auburn, CA 95603

RE: The Villas at Harborside

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CLERK OF THE  
BOARD OF SUPERVISORS

<b>AGENDA ITEM</b>
DATE: <u>4/3/06</u>
<u>Villas@ Harborside</u>
TIME: <u>2:30 pm</u>

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MAR 20 2006  
BOARD OF SUPERVISORS  
MB JP RA DW  
SOS rec'd

DATE 3/21/06  
+ Board of Supervisors - 5  
County Executive Office  
County Counsel  
Administrative Assistant  
Planning FAX

Dear Supervisor Kranz,

I would like to speak in favor of this project. I own a home on the water several hundred yards south of Mr. Topols' project at 5620 West Lake Blvd. I used to stay at the Huff's Homewood Resort from 1955 to 1963 after which we built our lakefront home. The Homewood commercial area from Swiss Lakewood Restaurant to Obexers has been in a state of decline for 30 years. No one has invested any money in the region to improve this commercial corridor and no one will if a few "not in my backyards" are the only ones heard. Well, I vote and I cannot wait until Mr. Topol completes this project. Maybe this will spur on the Obexer family to do something with their falling down buildings. The density of this project is what the "Blueprint" for smart growth dictates and Placer agreed to, calls for. It's the way we need to deal with the growth in all areas; denser and better quality.

Last, but not least, this project will enhance the taxable value of my lakefront home and that's fine with me. As to the visibility of the lake from this section of 89, it never existed until Mr. Topol cleared the property to build. And, since our bike trail is right on 89 at this point creating a visual of the lake for cars will end up killing someone on a bike.

Sincerely,

Michael Lyon

5620 West Lake Blvd.

Homewood, CA

162

**From:** BOS  
**To:** Ann Holman; BOS Email Distribution; Kathy Zick; Melinda Harrell  
**Date:** 3/17/2006 2:17:12 PM  
**Subject:** Fwd: (no subject)

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MAR 17 2006

CLERK OF THE  
BOARD OF SUPERVISORS

&gt;&gt;&gt; &lt;CHJCrocker@aol.com&gt; 3/12/2006 4:15 PM &gt;&gt;&gt;

Please know as a resident of Homewood, Ca. I am very much opposed to the Harborside project as well as the others members of our family. Our family have been homeowners at Homewood since 1919. Thank you for your help on this matter. Sincerely, Charlotte Johnson—5040 Westlake Blvd. Homewood.Ca.96141

<b>AGENDA ITEM</b>
<b>DATE:</b> <u>4/3/06</u>
<u>Villas @ Harborside</u>
<b>TIME:</b> <u>2:30 pm</u>

DATE 3/21/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☒ Administrative Assistant  
☒ Planning

163

From: "alan matthews" <alanlisamatt@sbcglobal.net>  
 To: <bos@placer.ca.gov>  
 Date: 3/18/2006 3:02:10 PM  
 Subject: Villas at Harborside Project, Homewood, Ca.

Gentlemen:

I am concerned about the Villas at Harborside proposed by Nate Topol at Homewood. Please do not approve those plans as presently offered. My last knowledge of them goes back to last September so there have probably been some changes but from what I hear the planned project would violate parking regulations and the building density per lot is excessive. Just looking at the one lot on which building has been completed; I feel the project is completely out of harmony with the rest of Homewood. You have to make your decisions based on the plans, permits, specifications and applicable laws and rules but, if you can take into account the desires of the existing community you should not approve this project as presently planned.

Our family are long time summer residents of Homewood. Grandmother Madeley purchased our lot in 1905. I have been spending summers at Homewood since 1940 except as prevented by school, work and WW II. Our cabin is at 4850 West Lake Blvd.

Thank you for your consideration of these wishes.

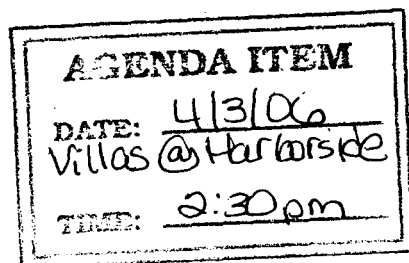
Alan H. Matthews  
 3258 Terra Granada Dr. 1A  
 Walnut Creek, Ca 94595  
 (925) 930-8243  
 March 18, 2006

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CC: <Lcress7199@aol.com>



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 MB JP RA DW \* COB

5 BOS rec'd

DATE 3/21/06  
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☒ County Executive Office  
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BOARD OF SUPERVISORS

March 18, 2006

Supervisor Bruce Kranz  
175 Fulweiler Avenue  
Auburn, Ca 95603

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MAR 20 2006  
BOARD OF SUPERVISORS

MB  
JP  
RA  
DW  
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COB

SOS rec'd

Dear Mr. Kranz:

I am writing in regards to the proposed Villas at Harborside in Homewood, Lake Tahoe. I am shocked that there is even a possibility that this would pass. The TRPA has very strict guidelines as to what is acceptable to build in the area and this is completely contradictory to everything intended by the TRPA.

## AGENDA ITEM

DATE: 4/3/06  
Villas@Harborside  
TIME: 2:30 pm

Mr. Topol has already done enough damage to that bay in Homewood. I grew up spending every summer of my childhood on that quiet, tranquil bay that has now become a busy, noisy crowded playground for Mr. Topol. Have you noticed the number of boats he has allowed to float in front of the marina? This bay does not belong to him. It belongs to everybody and most everybody would like to see Tahoe stay Blue, not dotted by boats and people.

The units he proposes to build are not in keeping with the past. If you want to see what the past was like, I will show you pictures. They are not gaudy three story structures stuck together like a mobile home park. This mass condo development does not fit with old Tahoe homes and styles of the past, nor does it keep with what we the homeowners would like to see Homewood become.

Homewood used to be a quiet family oriented section of Lake Tahoe. When I was a child, I could safely walk or row a boat down to Obexars, buy some candy and come home. Today, I will not allow my children to do either, because of all the congestion. If it is this congested now, what do you think it will become if Mr. Topol is allowed to finish this project. Mr. Topol is not interested in the integrity of Homewood. He is only interested in making money. Do you realize how many times he broke the law while building the new restaurant/hotel at WestShore Cafe? He has a history and it's not good.

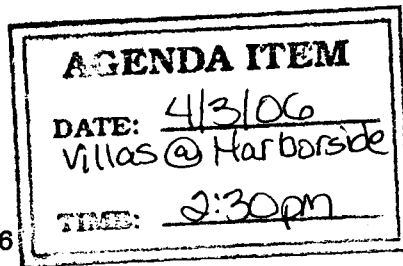
Please, please, please, do not allow him to further damage our bay and Homewood. The Lake is already too crowded. No one will benefit from these new condos other than Topol. We want Homewood to remain quiet and peaceful, clean and safe. There is a building moratorium for a reason. There are too many people on and around the lake. Help make this stop. Please help keep the lake beautiful.

Thank you.

Sincerely,  
Brenda Cooley (homeowner in Homewood)

DATE 3/21/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☒ Administrative Assistant  
☒ Planning

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March 16, 2006

Board of Supervisors  
175 Fulweiler Avenue  
Auburn, California 95603

Carole J. Gray  
931 Ridge Drive  
McLean, Virginia 22101

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CLERK OF THE  
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DATE 3/21/06

- ☐ Board of Supervisors - 5
- ☒ County Executive Office
- ☒ County Counsel
- ☒ Administrative Assistant
- ☒ Planning FAX

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MAR 20 2006

BOARD OF SUPERVISORS

5 DOS rec'd

MB  
JP  
RA  
DW  
K  
LOB

RE: Opposition to the Villas at Harborside

Dear Board of Supervisors:

I am writing in opposition to the Topol development of The Villas at Harborside in Homewood for the reasons stated below. I have sent an identical letter to Supervisor Kranz, but feel compelled to contact you since I strongly oppose Villas Development at Harborside in Homewood, especially in light of poor notice of previous public hearings regarding this development.

First, there has always been heavy traffic on Highway 89. I begin to hear the traffic on Highway 89 as early as 5:00 am and the traffic is consistent throughout the summer days and early evenings. This development would undoubtedly add to the existing congestion and noise. I have seen accidents in front of our home on Highway 89 and although the fire department is less than a mile away, I question whether they would be able to respond as quickly as they could five years ago with the increasing flow of traffic.

Secondly, although Mr. Topol's architects have presumably drawn a very palpable setting for his development, I find 9 houses on 3 parcels overreaching. I didn't know Homewood was slated for tenement housing and I strongly doubt that trees would effectively hide these structures as well as the diminishing the noise from these occupants. Tahoe is a gem. Because of careful and thoughtful planning, Tahoe and the West Shore continue its environmental integrity. In fact, this summer my family and I will be moving back to California from Virginia. One of the top three reasons for our relocation is because Virginia is too far from a place where I spent all my summers and where I want my children to spend their summers. Homewood doesn't look or feel like South Lake Tahoe and it shouldn't. By allowing these structures, you'd be diminishing the quality that the West Shore offers.

Furthermore, I oppose the fact that these structures would be timeshares or quarter shares. Although this is a generalization, pride of ownership does not usually exist when this type of vacation accommodation is offered. I've been to timeshares in expensive areas and when I leave, I don't work as hard as maintaining the property as I would if I owned it.

Lastly, considering that "notice" is one of the fundamental tenets of our legal system, I feel that the rescheduling of meetings and change of venue by Topol's legal team was manipulative and deceitful. The issue regarding the traffic hazard and the Topol development was supposed to be addressed at the Planning Commission meeting in Auburn but was then cancelled and rescheduled for a later date in Tahoe and then cancelled again and rescheduled in Auburn. Looks like a "hide the ball under the walnut shell" to me.

Thank you in advance for your support.

Sincerely,

Carole J. Gray  
Tel: 703-734-1229  
E-mail: cgray123@aol.com

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3640 American River Drive, Suite 100 • Sacramento, CA 95864 • (916) 483-4450

March 17, 2006

Bruce Kranz, Supervisor  
District 5  
175 Fulweiler Avenue  
Auburn, CA 95603

<b>AGENDA ITEM</b>
DATE: <u>4/3/06</u>
<u>Villas @ Harborside</u>
TIME: <u>2:30</u>

DATE 3/23/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning FAX

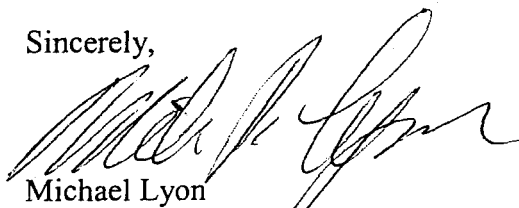
RE: The Villas at Harborside

Dear Supervisor Kranz,

I would like to speak in favor of this project. I own a home on the water several hundred yards south of Mr. Topols' project at 5620 West Lake Blvd. I used to stay at the Huff's Homewood Resort from 1955 to 1963 after which we built our lakefront home. The Homewood commercial area from Swiss Lakewood Restaurant to Obexers has been in a state of decline for 30 years. No one has invested any money in the region to improve this commercial corridor and no one will if a few "not in my backyards" are the only ones heard. Well, I vote and I cannot wait until Mr. Topal completes this project. Maybe this will spur on the Obexer family to do something with their falling down buildings. The density of this project is what the "Blueprint" for smart growth dictates and Placer agreed to, calls for. It's the way we need to deal with the growth in all areas; denser and better quality.

Last, but not least, this project will enhance the taxable value of my lakefront home and that's fine with me. As to the visibility of the lake from this section of 89, it never existed until Mr. Topal cleared the property to build. And, since our bike trail is right on 89 at this point creating a visual of the lake for cars will end up killing someone on a bike.

Sincerely,

  
Michael Lyon  
5620 West Lake Blvd.  
Homewood, CA

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MAR 22 2006

CLERK OF THE  
BOARD OF SUPERVISORS

Paul Cronan Cress  
Lorie Sheehy Cress  
1134 Commons Drive  
Sacramento, Ca 95825  
916 920-22388  
lcress7199@aol.com

March 22, 2006

The Honorable Supervisor Bruce Kranz  
District 5  
175 Fulweiler Avenue  
Auburn, Ca 95603

Re: Villas at Harborside/Appeal Hearing

Dear Supervisor Kranz,

DATE 3/23/06  
☒ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☒ Administrative Assistant  
☐ Planning

<b>AGENDA ITEM</b>
DATE: <u>4/3/06</u>
<u>Villas @ Harborside</u>
TIME: <u>2:30</u>

We are writing to express our concerns about the upcoming Appeal hearing regarding the Villas at Harborside. There was a lot of confusion surrounding the Planning Commission Hearing dates for the project. It was scheduled September 9<sup>th</sup>, rescheduled to September 22, cancelled and rescheduled for October 13<sup>th</sup>, cancelled again and re-scheduled again for September 22. The project was heard and approved on September 22 with no public input. Why? Because there was clearly a defect in the notice of map modification and legal notice was not given. It appears that for some reason the Planning Commission jumped through hoops to accommodate Topol. Again, we ask why? Could it be that Topol tried to circumvent public scrutiny of the project by requesting changes in the hearing date? The bottom line; notice was not given to Homewood residents.

Mr. Topol has manipulated the system to his advantage time and time again. There comes a time when he should be made accountable. He pays fines instead of complying with the County or TRPA and then he cries that he has paid all these fees and should be allowed to go forward. He tells TRPA one story and Placer County something else. Examples of the blatant manipulation of the system include: Added more living units in the West Shore Café then approved by the County; blocking off Fawn Street for his own personal use (Homewood Marina); placing "no parking" signs all along Highway 89 in front of his properties; promises to give up living units in his motel for the added unapproved units in the West Shore Café. If the County approved the transfer of motel units for the unapproved West Shore Café units then shouldn't the motel be torn down now before the West Shore Café is opened? Mr. Antonnucci stated at the NTRAC hearing in February that the motel rooms were going to be used toward the Villas at Harborside. Is a small motel room similar to bedrooms in an 1800 square foot house? How many times can he transfer the motel units?

If the public had known of the September 22<sup>nd</sup> hearing of the Planning Commission there would have been strong opposition to the project for the following reasons: . . .

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March 22, 2006

Page 2

- The Villas at Harborside project violates the intentions of zoning in Homewood. High-density fractional ownership units are **NOT APPROPRIATE NOR A LEGAL USE** for these parcels in Homeood. The **entire project** should revert to the approved zoning—SFR.
- Parking requirements for this project represents a departure from typical parking requirements for high density projects in Placer County. The minimal parking requirements plus allowing “stacked” parking will result in **SIGNIFICANT TRAFFIC AND SAFETY HAZARDS**. **Why would the parking requirements on “environmentally” sensitive Lake Tahoe be more lenient then other areas of Placer County?**
- Twelve homes on four parcels versus four single family residences is a huge departure in **COVERAGE** and TRPA’s requirement for a view corridor.

Most Homewood residents oppose this project. Many residents will not speak out because they fear Topol will not let them store their boats at his marina. We wish to preserve Homewood’s quaint, low density, rural atmosphere and uphold the spirit and previously approved zoning (SFR). Thank you for your consideration in this very important matter.

Sincerely,

Lorie & Paul Cress

*Residents for a quaint, low density, rural Homewood.*

**From:** Kathi Heckert  
**To:** michelle@sierrabrokers.com  
**Date:** 3/22/2006 8:03:55 AM  
**Subject:** Fwd: The Villas at Harborside

fyi

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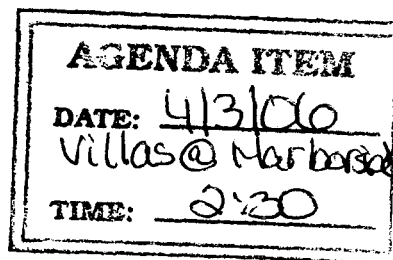
DATE 3/23/06  
☒ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☒ Administrative Assistant  
☒ Planning

>>> Planning 03/22/06 7:58 AM >>>

>>> Dan Higgins <[4homewood@sbcglobal.net](mailto:4homewood@sbcglobal.net)> 03/21/06 8:10 PM >>>

March 21, 2006

Michelle Ollar-Burris  
 Planning Commissioner, District 5  
 Placer County  
 11414 B Avenue  
 Auburn, CA 95603



Re: The Villas at Harborside

Dear Ms. Ollar-Burris:

It is not my intention, by this correspondence, to restrict or eliminate local businesses from the Homewood neighborhood or curtail the orderly and appropriate development of local commercial parcels. No one associated with this effort is attempting to prevent any local citizen from the pursuit of, or the patronage of, local businesses. As a Homewood Homeowner, I too, enjoy the convenience offered by local businesses and I encourage their continuance and growth. This effort is solely about the housing project known as the Villas at Harborside, the impact that the development will have on the subject site, and its effect on the public safety, quality of life, and general welfare, of the surrounding neighborhood.

The housing project, known as the Villas at Harborside, as currently proposed is essentially a multi-residential project consisting of twelve single-family dwellings, on the four lots, located at the site of the old Homewood Resort. With each dwelling approaching 1,900 square feet of living area, the multi-storied 3 bedroom (plus a loft) units will be staggered, three dwellings per parcel, across the old site. Three of the units have already been constructed, leaving nine dwelling, on three lots yet to be approved by the TRPA. The previous planned and approved project called for one large single-family dwelling per lot. The project as proposed today has evolved into twelve "timeshare" dwelling, offering estate or use interests in increments of 25%. In a recent article in the Tahoe City World, the project manager dubbed the Villas "fractional interest ownership" cottages. The elevations of the existing three dwelling do not portray the image of a small, single-storied country houses scattered across an open space as depicted by the word cottages. To fully appreciate the density of the development as purposed, the obtrusiveness of the structures and their proximity to the shore line, one only need walk the beach in front of the three existing dwellings.

Many of my fellow homeowners have raised issues ranging from a lack of adequate parking (resulting in drivers backing their cars out of the project onto Highway 89, which is not only dangerous but could also result in traffic blockage and reduced response time by emergency vehicle) to the restriction of view corridors resulting from the density of the project. Such public concerns, could have, and should have been addressed at the public hearing held by the Planning Commission on September 22. However, the

manner in which the public hearing on the subject property was scheduled by the Planning Commission, first in Auburn, then cancelled and rescheduled for a later date in Tahoe, and then cancelled again, and rescheduled for the date of the cancelled Planning Commission meeting in Auburn, may be more than just confusion. It gives one a sense that the developer sought to circumvent public scrutiny of the project. Statements made by the developer at the Planning Commission hearing on September 22, would lead one to believe that all of the Homewood Homeowners are in favor of the project as purposed. I assure you this is not the case. There are a number of Homeowners who have expressed, not only concern over the impact such a project will have on the Homewood neighborhood, but also disfavor with the scope of the project in relation to the size of the site and its proximity to the west shore of Lake Tahoe. Additionally, the developer sought to give the Planning Commission the impression that he already had TRPA approval, and lacked only Planning Commission approval, which he needed in order to break ground prior to the October 2005 grading deadline. The project has not yet been approved by TRPA and there are some who contend that the Planning Commission gave its approval based on that false impression.

On November 10, 2005, an article appeared in the Tahoe City World which addressed some of the concerns of homeowners who live in the neighborhood. The article states that Antonucci also noted that there will be at least one parking space for each unit - the required county minimum..... Given the size of each unit, and the count of 3 + bedrooms per dwelling, one parking space per unit seems inadequate. On December 6, 2005, Mr. Antonucci presented a summary of the project to the Board of Supervisors. He then stated that each dwelling had one parking space, plus one additional space through the feature of stacked parking (which is essentially tandem parking, that is one car behind another), plus five or more other spaces for a total of 23 to 27 parking spaces.

The uncertainty with respect to the number of off-street parking spaces and what seems like a complicated parking arrangement prompted me to travel to Auburn and visit the Planning Department. My inquiry pertained to code section, 17.56.310 titled Timeshare Projects which defined such projects and outlined their zoning requirements.

The provisions of 17.56.310 apply to any development offering for sale or lease more than eleven estates or use interests in a specific structure or structures for commercial, transient residential or residential purposes, including any and all internal ownership projects regulated as timeshares by the state of California as well as other developments which, in the opinion of the planning commission, may be accurately reflected by this description.

A sub section of the code outlined parking requirements for timeshare developments as follows. Off-street parking for timeshare projects shall be designed and constructed as required by Sections 17.54.050 (Parking standards) and 17.54.070 (Design and improvement of parking). The number of spaces required shall be as follows, instead of as required by Section 17.54.060 (Parking space requirements by land use).

Residential and Transient Residential. One and one-half spaces per unit, plus one additional space per bedroom for each unit with more than two bedrooms, plus one space for each permanent employee working on the project after completion and occupancy.

I asked the Staff Planner at the Planning Department if he could interpret the parking requirement and how it would relate to the subject property. He said based on this code section, each dwelling within the subject development, would be required to have 4.5 off-street parking spaces per dwelling, for a total of 13 to 14 per parcel. So we are talking 40 off-street parking spaces for the 9-units? His answer was yes. This indicates that upon completion, the 12-unit development should have a total of 54 off-street parking spaces. As to the element of stacked parking, there is no provision in 17.54.050 or 17.54.070 which would indicate that stacked parking would be appropriate for a development of this use. I then asked him how the project was approved, with only about two-thirds of the required spaces. He indicated that he was unable to answer that question and suggested that I talk to Steve Buelna, Associate Planner, Lake Tahoe Division.

The purpose and intent of developing Planning and Zoning Regulations is to further the public health,

safety, peace, morals, comfort, and general welfare by addressing the simultaneous needs of the county, including, but not limited to: the protection of environmentally sensitive areas; the preservation of natural, cultural, and historical resources; the conservation of visual and aesthetic resources; the maintenance of a given areas existing quality of life..... Pursuant to the mission of Planning and Zoning Regulations, why would the County contemplate approval of a development that does not meet the minimum requirements of its own regulations? From my perspective, the only purpose served by approval of this development is the economic benefit of one person at the expense of the general welfare and quality of life of the entire Homewood neighborhood.

While it is clear, and appropriate, that improvements of some type will be constructed on the subject parcels, it is equally clear and appropriate that any development contemplated for this site must meet at least minimum requirements, and perhaps be held to a higher standard. Why reduce the number of required off-street parking spaces? Why allow the impaction, confusion and inconvenience of stacked parking? Why allow a variance to reduce the setbacks so that an inappropriate use can be accommodated on the subject parcels? The nature of this site and its proximity to the lake would suggest that any development be held to a higher degree or level of requirements and not something less than the minimum. It is beyond dispute that Lake Tahoe, and its surrounding shore line is one of our greatest assets, and as such, this west shore site meets the requisite criterion of the Planning and Zoning Regulations mission, to protect environmentally sensitive areas, preserve a natural resource and conserve the visual and aesthetic characteristics of one our most important treasures, Lake Tahoe.

Thank you for your consideration. I appreciate your time and attention devoted to the review of this development which will forever change the quiet and tranquil neighborhood of Homewood and the west shore of Lake Tahoe.

Respectfully,

Dan Higgins

CC: Bill Combs; Melinda Harrell; Michael Johnson; Steve Buelna



**AGENDA ITEM**  
**DATE:** 4/3/06  
**Villas@Harborside**  
**TIME:** 2:30

DATE 3/23/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning

**RECEIVED**  
**MAR 21 2006**

MB  
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 24  
 DW  
 \*  
 COB

alan matthews

**From:** "alan matthews" <alanisamatt@sbcglobal.net>  
**To:** <bos@placer.ca.gov>  
**Cc:** <Lcress7199@aol.com>  
**Sent:** Saturday, March 18, 2006 3:01 PM  
**Subject:** Villas at Harborside Project, Homewood, Ca.

**RECEIVED BOARD OF SUPERVISORS**

**MAR 23 2006 5 BOS rec'd**

CLERK OF THE  
 BOARD OF SUPERVISORS

Gentlemen:

I am concerned about the Villas at Harborside proposed by Nate Topol at Homewood. Please do not approve those plans as presently offered. My last knowledge of them goes back to last September so there have probably been some changes but from what I hear the planned project would violate parking regulations and the building density per lot is excessive. Just looking at the one lot on which building has been completed; I feel the project is completely out of harmony with the rest of Homewood. You have to make your decisions based on the plans, permits, specifications and applicable laws and rules but, if you can take into account the desires of the existing community you should not approve this project as presently planned.

Our family are long time summer residents of Homewood. Grandmother Madeley purchased our lot in 1905. I have been spending summers at Homewood since 1940 except as prevented by school, work and WW II. Our cabin is at 4850 West Lake Blvd.

Thank you for your consideration of these wishes.

3/18/06  
 BRUCE KRANZ:  
 YOU SHOULD RECEIVE  
 A COPY OF THIS AS THE  
 E-MAIL I SENT YOUR

Alan H. Matthews  
 3258 Terra Granada Dr. 1A  
 Walnut Creek, Ca 94595  
 (925) 930-8243  
 March 18, 2006

BOARD OF SUPERVISORS. BUT I JUST WANTED TO  
 AND A NOTE TO YOU. HOMEWOOD IS VERY  
 PRECIOUS TO OUR FAMILY, CHILDREN AND  
 GRAND CHILDREN. SOME CHANGE IS INEVITABLE  
 AND PROBABLY GOOD. NATE'S PROJECT IS A  
 BLOT ON THE LANDSCAPE.

173

3/18/2006

C -

# ELLIOTT REAL ESTATE, INC.

March 20, 2006

Board of Supervisors, at large  
175 Fulweiler Avenue  
Auburn, CA 95603

Dear Sir or Madam:

I understand that Mr. Topol's development (the Villas at Harborside) will be coming before you on April 3, 2006. I own a home at 5075 West Lake Boulevard, Homewood, CA, which is about one-half block down the street from Mr. Topol's proposed project. We built our home in 1968 and have owned the property since the 1950s. I know that Mr. Topol had approvals to build four single-family homes and he only completed one of them. Now he is trying to get approval for the balance of the property with a much higher density. I am strongly opposed to his project! I feel it will greatly affect the neighborhood.

I would respectfully request that you deny this request for a considerable increase in density in our neighborhood.

Best regards,

  
Stephen R. Elliott

<b>AGENDA ITEM</b>
DATE: <u>4/3/06</u>
<u>Villas @ Harborside</u>
TIME: <u>2:30</u>

DATE 3/23/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning FAX

RECEIVED  
MAR 21 2006  
BOARD OF SUPERVISORS  
MB JP RA DW \* COB

5 BOS rec'd  
RECEIVED

MAR 23 2006

CLERK OF THE  
BOARD OF SUPERVISORS



**macLaughlin and co**

1401 Shore Street - P.O. Box 735  
West Sacramento, CA 95691  
916 - 371-9021  
916 - 373-0655 (FAX)  
www.macco.org

**MEMORANDUM**

**RECEIVED**  
MAR 21 2006  
MB JP RA DW  
BOARD OF SUPERVISORS  
5 BOS rec'd

TO: HONORABLE BRUCE KRANZ  
PLACER COUNTY SUPERVISOR, DISTRICT 5  
175 FULWEILER AVE.  
AUBURN, CA 95603

FROM: THOMAS H. MacLAUGHLIN

DATE: MARCH 20, 2006

RE: PLACER COUNTY BOARD OF SUPERVISORS MEETING  
DECEMBER 6, 2005/TOPOLS VILLAS OF HARBORSIDE HOMEWOOD

DATE 3/23/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning FAX

I am writing this memorandum to voice my disapproval of the development at the Villas of Harborside, Homewood, California. I am a member of the Homewood Homeowner's Association and have been a resident of Homewood since 1959. The purpose for my family locating their second home in Homewood was for the peace and quite that it brings.

Since approximately 1970, the Homewood Homeowner's Association has been against commercial development. This has been their position since their inception and this is the main reason why I joined the Association. I recently read an article with Topol stating that the Homewood Homeowner's Association is behind his development. I do not believe this is the case. As a matter of fact, I would imagine that 95% of the homeowners in the area are against this type of development. Currently, there is no infrastructure in place to handle the existing commercial businesses such as Homewood Marina and West Shore Café. Cars are parked up and down the streets and are now starting to park on San Souice and as far North as Trout Street. This is ridiculous. In most commercial zoning, parking must be provided for the business that they apply to. The Marina, which has little or no parking, is a complete abuse of this planning strategy. It appears that the West Shore Café has parking for 30 cars. There will be an overflow situation on most nights and the overflow will occur onto the streets of Homewood. This is not fair to us as residents. Now, The Villas at Harborside wants to add nine time-shared units with one parking space each. This makes absolutely no sense and I cannot believe that the Board of Supervisors would consider this knowing the position of Homewood Homeowner's Association and the residents of Homewood over all these years.

Any time that we have been put on notice for commercial development in Homewood, we show up to the hearings in numbers and voice our opinions against such development. I am against this development and I would strongly recommend that you deny any future commercial development such as time-shares in Homewood. These type of developments belong in Kings Beach or South Lake Tahoe.

Sincerely,

Thomas H. MacLaughlin  
THM/lh

<b>AGENDA ITEM</b>
DATE: <u>4/3/06</u>
<u>Villas @ Harborside</u>
TIME: <u>2:30</u>

**RECEIVED**

**MAR 23 2006**

CLERK OF THE  
BOARD OF SUPERVISORS

March 19, 2006

<b>AGENDA ITEM</b>
<b>DATE:</b> 4/3/06
Villas @ Harborside
<b>TIME:</b> 2:30

Paul Cronan Cress  
Lorie Sheehy Cress  
1134 Commons Drive  
Sacramento, Ca 95825  
916 920-22388  
lcress7199@aol.com

**RECEIVED**  
MAR 24 2006  
MB  
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RA  
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COB

The Honorable Supervisor Bruce Kranz  
District 5  
175 Fulweiler Avenue  
Auburn, Ca 95603

**RECEIVED**

**BOARD OF SUPERVISORS**

MAR 27 2006

CLERK OF THE  
BOARD OF SUPERVISORS

Re: Villas at Harborside/Appeal Hearing

**5 BOS rec'd**  
DATE 3/27/06  
☐ Board of Supervisors - 5  
☒ County Executive Office  
☒ County Counsel  
☐ Administrative Assistant  
☒ Planning FAX

Dear Supervisor Kranz,

We are writing to express our concerns about the upcoming Appeal hearing regarding the Villas at Harborside. There was a lot of confusion surrounding the Planning Commission Hearing dates for the project. It was scheduled September 9<sup>th</sup>, rescheduled to September 22, cancelled and rescheduled for October 13<sup>th</sup>, cancelled again and re-scheduled again for September 22. The project was heard and approved on September 22 with no public input. Why? Because there was clearly a defect in the notice of map modification and legal notice was not given. It appears that for some reason the Planning Commission jumped through hoops to accommodate Topol. Again, we ask why? Could it be that Topol tried to circumvent public scrutiny of the project by requesting changes in the hearing date? The bottom line; notice was not given to Homewood residents.

Mr. Topol has manipulated the system to his advantage time and time again. There comes a time when he should be made accountable. He pays fines instead of complying with the County or TRPA and then he cries that he has paid all these fees and should be allowed to go forward. He tells TRPA one story and Placer County something else. Examples of the blatant manipulation of the system include: Added more living units in the West Shore Café then approved by the County; blocking off Fawn Street for his own personal use (Homewood Marina); placing "no parking" signs all along Highway 89 in front of his properties; promises to give up living units in his motel for the added unapproved units in the West Shore Café. If the County approved the transfer of motel units for the unapproved West Shore Café units then shouldn't the motel be torn down now before the West Shore Café is opened? Mr. Antonnucci stated at the NTRAC hearing in February that the motel rooms were going to be used toward the Villas at Harborside. Is a small motel room similar to bedrooms in an 1800 square foot house? How many times can he transfer the motel units?

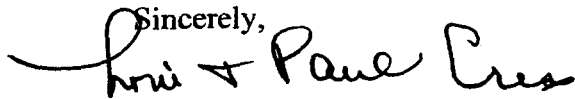
If the public had known of the September 22<sup>nd</sup> hearing of the Planning Commission there would have been strong opposition to the project for the following reasons: . . .

March 19, 2006

Page 2

- The Villas at Harborside project violates the intentions of zoning in Homewood. High-density fractional ownership units are **NOT APPROPRIATE NOR A LEGAL USE** for these parcels in Homewood. The **entire project** should revert to the approved zoning—SFR.
- Parking requirements for this project represents a departure from typical parking requirements for high density projects in Placer County. The minimal parking requirements plus allowing “stacked” parking will result in **SIGNIFICANT TRAFFIC AND SAFETY HAZARDS**. **Why would the parking requirements on “environmentally” sensitive Lake Tahoe be more lenient then other areas of Placer County?**
- Twelve homes on four parcels versus four single family residences is a huge departure in **COVERAGE** and TRPA’s requirement for a view corridor.

Most Homewood residents oppose this project. Many residents will not speak out because they fear Topol will not let them store their boats at his marina. We wish to preserve Homewood’s quaint, low density, rural atmosphere and uphold the spirit and previously approved zoning (SFR). Thank you for your consideration in this very important matter.

Sincerely,  


Lorie & Paul Cress

5250 W. Lake Blvd.

*Residents for a quaint, low density, rural Homewood.*

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